

**SENATE JOURNAL  
66TH LEGISLATURE  
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 14, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present; Senators Esp and Thomas, excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/14/2019  
Correctly printed: **SB 200, SB 326, SB 327, SB 328, SB 329, SB 330, SR 32, SJ 17, HB 29, HB 237, HB 239, HB 348, HB 370, HB 373, HB 422, HB 436, HB 444.**  
Correctly engrossed: **SB 125, HB 15, HB 54, HB 98, HB 126, HB 158, HB 166, HB 326, HB 450.**  
Examined by the sponsor and found to be correct: **SJ 16, SJ 31, SJ 34, SJ 35.**  
Transmitted to the House: **SB 267, HB 33, HB 198, HB 334.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 3/14/2019  
**HB 323**, be concurred in.  
**HB 382**, be concurred in.  
**HB 450**, be amended as follows:

1. Title, page 1, line 11.

**Strike:** "AND"

2. Title, page 1, line 12.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 14, line 17.

**Following:** line 16

**Insert:** "NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 2019."

And, as amended, be concurred in.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 3/13/2019  
**HB 158**, be amended as follows:

1. Page 1.

**Following:** line 19

**Insert:** "(b) did not receive a dishonorable or other than honorable discharge;"

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**Renumber:** subsequent subsections

2. Page 1, line 23.

**Strike:** "3.0"

**Insert:** "2.5"

And, as amended, be concurred in.

**HB 212**, be concurred in.

**FINANCE AND CLAIMS** (Osmundson, Chair):  
**SB 302**, do pass.

3/13/2019

**JUDICIARY** (Regier, Chair):  
**HB 54**, be amended as follows:

3/14/2019

1. Title, page 1, line 6.

**Strike:** "STATE, COUNTY, AND MUNICIPAL"

**Following:** "AUTHORITIES"

**Insert:** "IN THE STATE"

2. Title, page 1, line 7.

**Strike:** "SECTIONS 44-2-502 AND"

**Insert:** "SECTION"

3. Page 1, line 11 through line 12.

**Strike:** "-- legislative intent"

**Strike:** "STATE" on line 11 through "MUNICIPAL" on line 12

4. Page 1, line 12.

**Following:** "state"

**Insert:** "in the state"

5. Page 1, line 26 through line 30.

**Strike:** subsection (4) in its entirety

6. Page 2, line 2 through line 16.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

7. Page 2, line 20.

**Strike:** "STATE" through "MUNICIPAL"

**Following:** "state"

**Insert:** "in the state"

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And, as amended, be concurred in.

**HB 98**, be amended as follows:

1. Page 4, line 9.

**Following:** "take"

**Strike:** "a"

**Insert:** "the"

**Following:** "office"

**Insert:** "prescribed in Article III, section 3, of the Montana constitution"

And, as amended, be concurred in.

**HB 99**, be concurred in.

**HB 155**, be concurred in.

**HB 322**, be concurred in.

**LOCAL GOVERNMENT** (Lang, Chair):

3/13/2019

**HB 15**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "ESTABLISHING" on line 6 through "VEHICLES;" on line 7

2. Page 6, line 16 through page 7, line 7.

**Strike:** section 4 in its entirety

3. Page 7, line 9 through line 11.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in.

**NATURAL RESOURCES** (Welborn, Chair):

3/13/2019

**HB 383**, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

3/13/2019

**HB 290**, be concurred in.

**STATE ADMINISTRATION** (Brown, Chair):

3/13/2019

**HB 126**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "\$10"

**Insert:** "\$8"

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2. Title, page 1, line 6.

**Strike:** "\$6"

**Insert:** "\$5"

3. Page 2, line 4.

**Strike:** "\$10"

**Insert:** "\$8"

4. Page 2, line 5.

**Strike:** "\$6"

**Insert:** "\$5"

And, as amended, be concurred in.

**HB 137**, be concurred in.

**HB 164**, be concurred in.

**HB 166**, be amended as follows:

1. Page 1, line 27.

**Following:** "place."

**Insert:** "If an election administrator has the capacity to print a larger version of a sample ballot, a sample ballot must be printed and displayed in a size larger than an actual ballot."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 331**, introduced by T. Richmond, D. Ankney, referred to Energy and Telecommunications.

**SB 332**, introduced by R. Webb, referred to Taxation.

The following Senate bills were introduced and read first time:

**SB 333**, introduced by J. Cohenour, E. McClafferty, J. Pomnichowski.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJ 18**, introduced by D. Sands, referred to Judiciary.

**SJ 19**, introduced by D. Sands, referred to Judiciary.

The following Senate joint resolution was introduced and read first time:

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**SJ 20**, introduced by J. Welborn.

The following Senate bills, previously introduced, were referred to committees:

**SB 326**, introduced by N. McConnell, S. Fitzpatrick, referred to State Administration.

**SB 327**, introduced by A. Olszewski, referred to Business, Labor, and Economic Affairs.

**SB 328**, introduced by T. Richmond, referred to Energy and Telecommunications.

**SB 329**, introduced by T. Richmond, referred to Natural Resources.

The following Senate joint resolution, previously introduced, was referred to committee:

**SJ 17**, introduced by S. Malek, D. Hayman, M. MacDonald, E. McClafferty, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator C. Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McClafferty in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SR 33** - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 33**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.

Total 0

Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

Total 0

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**SR 37** - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 37**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Thomas.  
Total 2

Absent or not voting: None.  
Total 0

**HB 85** - Senator Gauthier moved **HB 85** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 43

Nays: Cohenour, Sands, Sesso, Smith F, Vuckovich, Webber.  
Total 6

Paired: Thomas, Aye; Cohenour, No.

Excused: Esp.  
Total 1

Absent or not voting: None.  
Total 0

**HB 320** - Senator Fitzpatrick moved **HB 320** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

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Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Thomas.  
Total 2

Absent or not voting: None.  
Total 0

**HB 368** - Senator Sesso moved **HB 368** be concurred in.

**HB 368** - Senator D. Brown moved **HB 368**, second reading copy, be amended as follows:

1. Page 2, line 16.

**Following:** line 15

**Insert:** "(v) This subsection (1)(c) authorizes the dice game of cee-lo to be played only in establishments located in Montana counties with a total area of less than 1,000 square miles."

Amendment **not** adopted as follows:

Yeas: Brown, Ellis, Gillespie, Hinebauch, Hoven, Howard, Keenan, Malek, Regier, Salomon, Sands, Smith C.  
Total 12

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 36

Paired: None.

Excused: Esp, Thomas.  
Total 2

Absent or not voting: None.

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Total 0

**HB 368** - Senator Malek moved **HB 368**, second reading copy, be amended as follows:

1. Page 2, line 16.

**Following:** line 15

**Insert:** "(v) A person who is married and cares for dependent children may not participate in a game of cee-lo unless the person has authorization from the person's spouse.

Authorization must:

(A) be in writing;

(B) be signed and notarized by the person's spouse; and

(C) clearly and unequivocally authorize a person to participate in playing cee-lo,

including authorizing how much money may be bet by the person and how long the permission is valid."

Amendment **not** adopted as follows:

Yeas: Brown, Ellis, Gillespie, Gross, Hoven, MacDonald, Malek, Osmundson, Regier, Sands.

Total 10

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 38

Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

Total 0

**HB 368** - Thereupon, the Senate reverted to the original motion of Senator Sesso which passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 29

Nays: Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Gillespie, Gross, Hinebauch, Hoven,



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Howard, Malek, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Tempel, Webber.

Total 21

Paired: Thomas, Vance, Aye; Esp, Smith C, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 299** - Senator McConnell moved **HB 299** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.

Total 39

Nays: Cuffe, Fielder, Hinebauch, Kary, Olszewski, Regier, Smith C, Vance, Mr President.

Total 9

Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

Total 0

**HB 326** - Senator Lang moved **HB 326** be concurred in.

**HB 326** - Senator Ellsworth moved **HB 326**, second reading copy, be amended as follows:

1. Page 1, line 12.

**Following:** "law."

**Insert:** "(2)(a) A person seeking election to more than one special purpose district board may run for more than one position only if the person runs unopposed for all potential positions.

(b) If a position was unopposed at the time the person filed for the position and later becomes opposed during the course of an election campaign, the person running for more than one special purpose district board shall choose to run for one preferred special purpose district board and withdraw candidacy from all other special purpose district board positions."

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**Renumber:** subsequent subsections

2. Page 1, line 18.

**Insert:** "(c) "Unopposed" means the number of candidates at the time of the election for each special purpose district board position is equal to or less than the number of positions available on each respective board."

Amendment **adopted** as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Flowers, Hinebauch, Howard, Kary, Lang, McConnell, Osmundson, Phillips, Pomnichowski, Richmond, Sesso, Small, Smith C, Vance, Webber, Mr President.

Total 25

Nays: Ankney, Cuffe, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Regier, Salomon, Sands, Smith F, Tempel, Vuckovich, Webb, Welborn.

Total 23

Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

Total 0

**HB 326** - As amended, **HB 326** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Bogner.

Total 1

Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

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Total 0

Senator C. Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator McClafferty moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Kary.

Total 1

Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

Total 0

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill, previously introduced, was referred to committee:

**SB 330**, introduced by M. Blasdel, K. Bogner, E. Buttrey, S. Fitzpatrick, W. Galt, G. Hertz, C. Knudsen, R. Lynch, F. Mandeville, S. Morigeau, C. Schreiner, R. Webb, referred to Business, Labor, and Economic Affairs.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 2** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

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Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Thomas.  
Total 2

Absent or not voting: None.  
Total 0

**SB 58** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.  
Total 40

Nays: Brown, Ellsworth, Fielder, Hinebauch, Kary, Regier, Vance, Webb.  
Total 8

Paired: None.

Excused: Esp, Thomas.  
Total 2

Absent or not voting: None.  
Total 0

**SB 83** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

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Paired: None.

Excused: Esp, Thomas.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

President Pro Tempore Blasdel moved that **SB 322** be taken from the Business, Labor and Economic Affairs Committee and re-referred to the Taxation Committee. Without objection, so ordered.

President Pro Tempore Blasdel moved the Senate reconsider its action on **SB 183**, indefinitely postponed the previous day, and that **SB 183** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Flowers, Gillespie, Gross, Jacobson, Kary, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, McClafferty, Pomnichowski, Regier, Sands, Smith C, Vuckovich.

Total 21

Paired: Kary, Thomas, Aye; Esp, Smith C, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Senator C. Smith moved the Senate adjourn until 1:00 p.m., Friday, March 15, 2019, the fifty-third legislative day. Motion carried.

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Senate adjourned at 1:58 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate